

PUBLIC HEARING--May 12, 1965

Appeal #8183 Capitol Hill Club, appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on September 28, 1965:

ORDERED:

That the prior order entered by this Board on May 17, 1965, is hereby vacated, and the appeal for a variance from the use provisions of the R-4 District to permit the erection of an office building to house the Republican National Committee and its subsidiary and affiliated organizations on lots 821 through 824 inc., square 733, is granted.

As a result of further consideration of the record and the evidence adduced at the hearing, the Board finds the following facts:

(1) Appellant's property has a frontage of 86.5 feet on First Street and a depth of 100 feet, and contains an area of approximately 8691 square feet. There are public alleys on the north and east boundaries of the property.

(2) Appellant proposes to erect on this property a basement and four-story building to be used as headquarters for the Republican National Committee, and affiliated organizations and appellant seeks a variance from the use provisions of the R-4 District to permit such use.

(3) In appeal No. 3173 issued on April 30, 1952 this Board granted the appeal of the Capitol Hill Associates, Inc. for permission to establish as a transition use professional offices of the Republican National Committee at 208 thru 214 First Street and 102 Carroll Street, S.E., lots 814, 815, 816, 856 and parts of 855 and 813, square 732.

(4) By a communication dated May 27, 1952 the Order of the Board of Zoning Adjustment in Appeal No. 3173 was construed to include:

"Offices of professional persons engaged in the promotion of better Government as part of the Republican National Committee and its affiliated and associated organizations."

(5) This Board in Appeal No. 6348 on June 21, 1961, granted a variance for the property located immediately north of applicant's site for the establishment of Capitol Hill Club and in connection with such approval granted a variance from the lot, occupancy, rear yard requirements, off-street parking and use provisions of the R-4 District to permit remodeling and an addition to the existing buildings to house the Capitol Hill Club at 300-308 First Street and 103-107 C Street, S.E. The Order in Appeal No. 6348 was re-instated by the Board in Appeal No. 8288, entered July 14, 1965.

6. In 1960 the United States Government acquired the site at First and Carroll Streets which housed the Capitol Hill Club and the Capitol Hill Associates in accordance with the Order in appeal No. 3173. This made it necessary for appellant to obtain another location in the area of the Capitol Building. Replying on the earlier zoning approval for the Capitol Hill Club and

Capitol Hill Associates in appeal No. 3173 and upon suggestions made by the House Building Commission, Capitol Hill Associates expended a substantial sum of money in acquiring the property involved in this appeal, which is located adjacent (separated only by an alley* the building which will house the Capitol Hill Club pursuant to the order of this Board in Appeals No. 6348 and 8288.

(7) In April, 1961, Capitol Hill Associates filed an application with the Zoning Commission requesting re-zoning to SP of the property involved in this appeal. On May 23, 1961, the Zoning Commission deferred decision and suggested that application be made to the Board of Zoning Adjustment for relief by way of variance.

(8) Following the recommendations of the Zoning Commission, Capitol Hill Associates filed Appeal No. 6348 with the Board of Zoning Adjustment, which was heard on June 14, 1961. The Board, on June 21, 1961, approved the location of the Capitol Hill Club at 300-308 First Street and 103-107 C Street, S.E.

(9) The Zoning Commission, following this action taken by the Board of Zoning Adjustment, dismissed without prejudice the application of Capitol Hill Associates for a change of zoning from R-4 to SP.

(10) In Appeal No. 6348 the Board of Zoning Adjustment on June 21, 1961, after public hearing held June 14, 1961 granted the appeal of Capitol Hill Associates, Inc. for a variance from the lot occupancy, rear yard and from required off-street parking of the R-4 District to permit remodeling of existing buildings and erection of an additional building to house the Capitol Hill Club at 300-308 First Street and 103-107 C Street, S.E., lots 17, 18, 839, 847 and 848, square 733.

(11) In appeal No. 8288 Board of Zoning Adjustment on July 14, 1965 granted the appeal of Capitol Hill Associates, Inc. for reinstatement of Board's order in Appeal No. 6348.

(12) The Republican National Committee and many of its affiliates operate as a quasi-public organization and the offices to be housed at the subject site are closely related to and provide services to members of the U. S. Senate and House of Representatives.

(13) The Capitol Hill Southeast Citizens Association offered no objection but requested that the exterior plans be reviewed by the Fine Arts Commission.

(14) An inspection of the zoning map for Capitol Hill shows no available SP zoning on Capitol Hill.

(15) At the time of the promulgation of the new zoning plan for the District of Columbia on May 12, 1958, SP zoning on Capitol Hill was restricted to the area formerly occupied by the Capitol Hill Club on First Street between Independence Avenue and C Street, S.E. and the triangular site housing in part the Methodist Building bounded by First Street, Constitution Avenue and Maryland Avenue, N.E. It has subsequently been the policy of the zoning officials to grant no SP zoning on Capitol Hill.

(16) In July, 1965, the Building Commission of the House of Representatives approved in principle the granting of a variance for the property involved in this appeal subject to the following conditions:

(a) The use and occupancy of the proposed building will be restricted to the Republican National Committee and its subsidiary and affiliated organizations.

(b) The applicants granted to the United States of America the right of first refusal to acquire the subject property in the event applicants desire to sell or otherwise terminate use of the subject premises.

(c) In the event the United States of America ~~xxx~~ desires to acquire the subject property, by condemnation or purchase, the appraisers shall fix as just compensation and property owners agree to accept as just compensation as the maximum allowable value (but the value may be low if such appraisal independent of the formula set forth below would produce a lower value) as follows: The value of the land and improvements shall be established on the basis of assuming that the site is zoned R-4 and restricted to the land use permitted in the R-4 zone. (The subject site is zoned R-4).

(d) The plans for the exterior facade of the building shall be subject to the approval of the architect of the Capitol.

(e) The property shall be subject to normal real estate taxes applicable in the District of Columbia.

OPINION:

The history set forth in the foregoing Findings of Fact leads us to the conclusion that in the ownership of Appellant the condition of the property involved in this appeal is such that the strict application of the R-4 zoning would result in peculiar, exceptional and undue hardship upon subh owner. We also believe that the relief sought can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and maps.

The appeal is therefore granted to the extent that it pertains to the use of the property.

The appeal is not granted with respect to story limitations, lot occupancy, rear yard requirements and roof structures. Appellant is directed to submit to the Board the design of a building more in harmony with the requirements of the R-4 District and in appearance more in harmony with the architecture of the adjacent and neighboring buildings.

PUBLIC HEARING -- December 15, 1965

Appeal No. #8183 Capitol Hill Club, Appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered on December 22, 1965.

ORDERED:

That the appeal for a variance from the story limitation, lot occupancy, rear yard and use provisions of the R-4 District to permit the erection of an office building to house the Republican National Committee and its subsidiary and affiliated organizations and for approval of roof structures in accordance with Section 3308 of the Zoning Regulations at 310 thru 316 First Street, SE., lots 821 thru 824, inclusive, square 733, be granted.

As a result of an inspection of the property and from the records and evidence adduced at this hearing and the previous hearing, the Board finds the following facts:

1. The facts as set forth in the Board's Order of September 28, 1965, remain the same and are incorporated herein by reference except as modified in these findings.
2. The site of the proposed office building is located on First Street with a parking lot occupying the whole block front immediately across the street.
3. Immediately to the rear of the site across the alley and fronting on D Street is located a nonconforming apartment building with a height greater than that requested in this appeal.
4. The height of the proposed office building is less than that of the existing townhouses fronting on C Street, some of which are to be incorporated in the building approved in Appeal #6348.
5. In the immediate vicinity are located the House Office Building, the House Office Building Annex, the Congressional Hotel, and an Office Building now under construction all of which are or will be much larger than that requested in this appeal. In addition, the block on the north-east corner of First and C Streets where the Capitol Hill Club was formerly located has been acquired and cleared for other monumental government buildings.
6. There was opposition to the granting of this appeal.

OPINION:

Due to the relationship between the Republican National Committee and the United States Congress, the Board has already found that there are unusual and exceptional circumstances supportin the office use of this property. The Board now finds that, as a result of further consideration related to the character of the immediate area, the granting of the bulk and lot occupancy variances requested in the original appeal are justified, will not be detrimental to the surrounding neighborhood, and will be in harmony with the Federal Buildings in the area.

The agreement reached by the Republican National Committee and the Buildings Commission of the House of Representatives in July of 1965 recognizes the unusual relationship between the users of this proposed office building and the nearby Congressional Office Buildings and sets forth conditions which protect the federal interest. Therefore, in approving the requested variance, the Board makes its approval subject to the conditions set forth in the June 19, 1965, agreement with the House of Representatives Building Commission.

PUBLIC HEARING--May 12, 1965

Appeal #8183 Capitol Hill Club, appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and carried with Mr. Davis dissenting and Mr. Hatton not voting, the following Order was entered on May 17, 1965:

ORDERED:

That the appeal for variance from story limitation, lot occupancy, rear yard and use provisions of the R-4 District to permit erection of office bldg. to house the Republican National Committee and its subsidiary and affiliated organizations and for approval of roof structures in accordance with Section 3308 of the Zoning Regulations at 310 thru 316 - 1st Street, S.E., lots 821 thru 824, inc., square 733, be denied.

As the result of an inspection of the property by the Board, and from the records and the evidence adduced at the hearing, the Board finds the following facts:

- (1) Appellant's property has a frontage of 86.5 feet on First Street and a depth of 100 feet. There are public alleys on the north and east boundaries of the property, which property contains an area of approximately 8391 square feet.
- (2) Appellant proposes to erect on this property a basement and four-story building to be used as headquarters for the Republican National Committee. The building will be 40 feet in height to the roof line but will contain four stories whereas the Zoning Regulations limit the stories to three. The building is intended as offices which violates the Zoning Regulations and for which appellant seeks a variance from the use provisions of the R-4 District to permit same. The Zoning Regulations permit a lot occupancy of 40% in the R-4 District and appellant has requested permission to cover the entire property with building. Further, appellant does not intend to provide a rear yard whereas the Zoning Regulations require a minimum of twenty feet.
- (3) Appellant basis his hardship on the facts that the United States Government acquired their site at First and Carroll Streets, S.E. which made it necessary to obtain another location in the area of the Capitol Building, and that there is no special purpose zoning available on Capitol Hill to accommodate appellant's organization which requires location on Capitol Hill.
- (4) Inasmuch as the appeal was denied by the Board it is unnecessary to rule upon the proposed roof structures.
- (5) There was no objection to the granting of this appeal registered at the public hearing. The Capitol Hill Southeast Citizens Association did, however, direct a letter to the Fine Art Commission requesting them to review the exterior plans of the proposed building and persuade the builders to modify the plan to reflect the history and tradition of the area so close to the Capitol of the United States.

OPINION:

We are of the opinion that appellant has failed to prove a case of hardship within the provisions of Section 8207.11 of the Zoning Regulations which is the variance clause of the regulations. From the records and the evidence adduced at the hearing we were unable to find any exceptional narrowness, shallowness or shape of the specific piece of property, nor could we find exceptional topographical conditions or other extraordinary or exceptional situation or condition of the specific piece of property. Appellant's lot is normal in all respects being nearly square in shape, having adequate depth and is nearly level.

Appellant's basis for hardship as stated in the finding of fact fails, in our opinion, to qualify the property for a use variance nor from the story limitation, lot occupancy and rear yard requirements of the regulations.

In view of the above the Board has no alternative but to deny the request, being of the further opinion that the relief could not be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map.